
SENATE RESOLUTION

REQUESTING THE OFFICE OF INFORMATION PRACTICES TO EXPLORE A
TRIAL APPEALS RESOLUTION PROCESS WITH A RANDOMLY CHOSEN
SELECTION OF ALL INCOMING PUBLIC APPEALS.

1 WHEREAS, the Office of Information Practices is able to
2 informally resolve most public questions, complaints, and
3 appeals under the Uniform Information Practices Act and Sunshine
4 Law without the Office issuing a formal enforceable ruling; and
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6 WHEREAS, some public appeals to the Office of Information
7 Practices under the Uniform Information Practices Act and
8 Sunshine Law cannot be resolved without the Office issuing a
9 formal enforceable ruling; and
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11 WHEREAS, when public appeals cannot be resolved without a
12 formal enforceable ruling by the Office of Information
13 Practices, the Office normally prepares enforceable rulings on a
14 first-come first-served basis; and
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16 WHEREAS, the preparation of formal enforceable rulings by
17 the Office of Information Practices is time-consuming and
18 expensive; and
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20 WHEREAS, the Office of Information Practices estimates that
21 it will need three new positions costing \$345,000 per year for
22 at least two years to address its backlog of pending appeals
23 that cannot be resolved without a formal enforceable ruling by
24 the Office; and
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26 WHEREAS, unless additional resources are provided to the
27 Office of Information Practices or unless the Office experiments
28 and finds an effective way to modify its procedures, the Office
29 of Information Practices will be unable to quickly resolve those
30 incoming public appeals that require a formal enforceable ruling
31 by the Office; and
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33 WHEREAS, experimenting with trial processes, new
34 procedures, or revised practices can be a source of useful



1 information, which can provide guidance for later changes or
2 actions; now, therefore,
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4 BE IT RESOLVED by the Senate of the Thirtieth Legislature
5 of the State of Hawaii, Regular Session of 2019, that the Office
6 of Information Practices is requested to explore a trial appeals
7 resolution process with a randomly chosen selection of all
8 incoming public appeals under the Uniform Information Practices
9 Act and the Sunshine Law; and
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11 BE IT FURTHER RESOLVED that for each appeal in the randomly
12 chosen selection, but not for other appeals, the Office of
13 Information Practices is requested to prepare short, informal,
14 non-enforceable guidance within two weeks of receiving the final
15 response of the agency and other parties involved; and
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17 BE IT FURTHER RESOLVED that for each appeal in the randomly
18 chosen selection, the Office of Information Practices is also
19 requested to provide a formal enforceable ruling at a future
20 time, to be determined by the Office's usual policies, if the
21 informal guidance does not resolve the appeal; and
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23 BE IT FURTHER RESOLVED that the Office of Information
24 Practices is requested to submit a report of its findings and
25 recommendations, including a comparison of the outcomes and
26 impacts on staff workload for the trial appeals resolution
27 process with the outcomes and impacts on staff workload for
28 other appeals resolved by the Office to the Legislature twenty
29 days prior to the convening of the Regular Session of 2020; and
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31 BE IT FURTHER RESOLVED that if the trial appeals resolution
32 process improves outcomes and positively impacts staff workload
33 for the randomly chosen selection of incoming public appeals
34 under the Uniform Information Practices Act and the Sunshine
35 Law, the Office of Information is requested to appropriately the
36 trial appeals resolution process as a standard practice; and
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1 BE IT FURTHER RESOLVED that certified copies of this
2 Resolution be transmitted to the Director of the Office of
3 Information Practices, President of the Senate, and Speaker of
4 the House of Representatives.
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OFFERED BY:





